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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
08 AT SEATTLE

09 JAMES A. BATTLE, JR., )  
10 Plaintiff, ) CASE NO. C10-5410-RSM  
11 v. )  
12 ALAN BAALEAR, *et al.*, ) ORDER RE: CROSS-MOTIONS FOR  
13 Defendants. ) SUMMARY JUDGMENT  
\_\_\_\_\_ )

14 The Court, having reviewed plaintiff's amended complaint, the parties' cross-motions  
15 for summary judgment, the Report and Recommendation of the Honorable Mary Alice Theiler,  
16 United States Magistrate Judge, plaintiff's objections thereto, defendants' response to  
17 plaintiff's objections, plaintiff's reply, and the remaining record, does hereby ORDER:

- 18 (1) The Court adopts the Report and Recommendation;  
19 (2) Defendants' motion for summary judgment on the merits (Dkt. #100) is  
20 GRANTED;  
21 (3) Defendants' motion for summary judgment based on qualified immunity (Dkt. #  
22 101) is STRICKEN as moot;

01 (4) Plaintiff's cross-motion for summary judgment (Dkt. #109) is DENIED;

02 (5) Plaintiff's Fourth Amendment claims, as asserted in his amended civil rights  
03 complaint (Dkt. #62), are DISMISSED with prejudice. Plaintiff's state law claims are  
04 DISMISSED without prejudice; and

05 (6) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
06 defendants, and to the Honorable Mary Alice Theiler.

07 DATED this 30<sup>th</sup> day of May 2012.

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11 RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE  
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